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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN ADENA, Deceased, by and through his Co-
Successors in Interest, CIRCE ADENA and
RICHARD ADENA; CIRCE ADENA, Individually,
and RICHARD ADENA, Individually,

Plaintiffs,

vs.

SHASTA COUNTY, a public entity; SHASTA
COUNTY SHERIFF-CORONER TOM BOSENKO,
in his individual capacity; CAPTAIN DAVE KENT;
SHASTA COUNTY JAIL DEPUTIES KIRK
SCHRITTER, DEVIN HURTE, DEPUTY DIAZ,
EMMANUAL ALCAZAR, ZACHARY
JURKIEWICZ, JOSEPH GRADY, NATHANIAL
NEVES, HECTOR CORTEZ; CALIFORNIA
FORENSIC MEDICAL GROUP, INC., a California
Corporation; WELLPATH MANAGEMENT, INC., a
Delaware Corporation; WELLPATH LLC, a
Delaware Limited Liability Company; TRACY
LEWIS, L.M.F.T.; PAM JOHANSEN, L.C.S.W.;
DANIEL DELLWO, P.A.; and DOES 1–20;
individually, jointly and severally,

Defendants.

Case No. 2:21-cv-00770-MCE-DMC

**STIPULATION AND ORDER TO
MODIFY PRETRIAL
SCHEDULING ORDER (Doc. 74)**

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to
2 modify the Scheduling Order (Doc. 74). Good cause exists to grant the requested extension:

3 1. This is a complicated wrongful death civil rights case involving Shasta County jail
4 deputies and Wellpath correctional health care personnel. The case involves seventeen named
5 Defendants represented by two separate law firms. The parties are represented by experienced
6 counsel who have worked together before on several cases, and counsel have worked cooperatively
7 throughout the litigation they have handled together.
8

9 2. On August 11, 2023, Plaintiffs filed a First Amended Complaint naming an
10 additional medical corporation, California Forensic Medical Group, Inc., as a defendant. On
11 November 1, 2023, the Wellpath Defendants moved to dismiss Plaintiffs' First Amended
12 Complaint. The motion was submitted on the papers and is currently pending.

13 3. The parties have engaged in extensive written and deposition discovery and have
14 resolved several discovery disputes through meet and confer efforts. The parties anticipate that
15 almost all discovery will be completed within the current deadlines. The exception is for
16 documents and depositions concerning the Wellpath Defendants' financial condition related to
17 Plaintiffs' punitive damages claims, concerning which Plaintiffs and corporate Wellpath Defendants
18 are continuing extensive meet and confer efforts. Currently, Wellpath corporate Defendants and
19 their counsel are reviewing Plaintiffs' demands to produce further unredacted financial records,
20 pursuant to the protective order. If the parties are able to agree on potentially relevant and
21 discoverable documents informally, then after receiving such documents, Plaintiffs will have them
22 reviewed by their accounting expert, then Plaintiffs will depose previously noticed Rule (30)(b)(6)
23 Person Most Knowledgeable (PMK) witnesses to be produced by Wellpath Defendants on mutually
24 available dates. If, on the other hand, the parties are not able to agree on potentially relevant and
25 discoverable financial documents, then Plaintiffs and Wellpath Defendants will need to finish
26
27
28

1 drafting a (hopefully more focused) joint discovery brief for resolution by the court on a full
 2 discovery motion. If the motion is granted, then Plaintiffs can proceed with expert examination of
 3 documents and depositions of Wellpath PMK witnesses. Plaintiffs and Wellpath Defendants
 4 estimate that an additional ninety days beyond current deadlines should be sufficient to complete all
 5 financial position discovery, including a discovery motion if necessary.

6 4. Furthermore, since the Wellpath financial position discovery necessitating the partial
 7 extension of discovery deadlines is only relevant to punitive damages, that financial information in
 8 dispute will not be necessary for dispositive motions or for disclosure of other liability and
 9 damages-related experts.
 10

11 5. For these reasons, Plaintiffs and Wellpath Defendants jointly request to carve out
 12 approximately 90-day extensions of certain existing pre-trial deadlines to resolve the pending
 13 dispute regarding Wellpath financial records and related depositions and expert disclosures. County
 14 Defendants would not be affected by this continuance and do not object.
 15

16 6. The parties therefore stipulate to a brief continuance of limited dates in this matter as
 17 follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery (not including concerning Wellpath corporate Defendants' financial position)	August 23, 2024	UNCHANGED
Close of Fact Discovery concerning Wellpath corporate Defendants' financial position	August 23, 2024	November 29, 2024
Expert Disclosures (not including concerning Wellpath corporate Defendants' financial position)	October 11, 2024	UNCHANGED

Expert Disclosures concerning Wellpath corporate Defendants' financial position	October 11, 2024	January 10, 2025
Rebuttal Expert Disclosures (not including concerning Wellpath corporate Defendants' financial position)	November 6, 2024	UNCHANGED
Rebuttal Expert Disclosures concerning Wellpath corporate Defendants' financial position	November 6, 2024	February 7, 2025
Joint Notice of Trial Readiness (if no dispositive motions)	December 20, 2024	March 21, 2024
Dispositive Motion filing deadline	January 24, 2025	UNCHANGED

For the foregoing reasons, the parties respectfully request that this Court enter an Order modifying the schedule in this case as set forth above.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: July 2, 2024

HADDAD & SHERWIN LLP

/s/ Michael J. Haddad

MICHAEL J. HADDAD
Attorneys for Plaintiffs

Dated: July 2, 2024

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/s/ Lynn Carpenter

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ALCAZAR, ZACHARY JURKIEWICZ, JOSEPH
GRADY, NATHANIAL NEVES, and HECTOR
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Dated: July 2, 2024

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/s/ Allison Becker

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Attorneys for Defendants

CALIFORNIA FORENSIC MEDICAL GROUP,
INC., WELLPATH MANAGEMENT, INC.,
WELLPATH LLC; TRACI LEWIS, L.M.F.T; PAM
JOHANSEN, L.C.S.W.; DANIEL DELLWO, P.A.

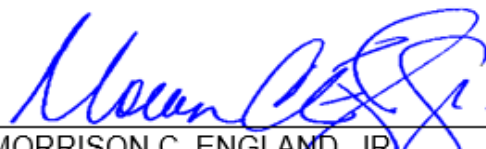
ORDER

Based on the parties' stipulation, and with good cause appearing, IT IS HEREBY ORDERED that the Pretrial Scheduling Order (Doc. 74) is modified as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery (not including concerning Wellpath corporate Defendants' financial position)	August 23, 2024	UNCHANGED
Close of Fact Discovery concerning Wellpath corporate Defendants' financial position	August 23, 2024	November 29, 2024
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Dispositive Motion filing deadline	January 24, 2025	UNCHANGED

IT IS SO ORDERED.

Dated: July 8, 2024


 MORRISON C. ENGLAND, JR.
 SENIOR UNITED STATES DISTRICT JUDGE